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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/564,937	04/03/2006	Glenn Stone	CU-4659 RJS	5172	
26530	7590 01/09/2008		EXAMINER		
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE			VO, HIEN XUAN		
SUITE 1600 CHICAGO, IL	60604		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. Applicant(s) Ap			TH				
Examiner Hien X. Vo		Application No.	Applicant(s)				
Hein X. Vo 2863	Office Assista Communication	10/564,937	STONE, GLENN				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. VEHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of them they be evalided under the provision of 37 CFR 1:36(i), in no event, however, uny a weby be limely filed. If NO period for rapy is a specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failure for rapy is a specified above, the maximum statutory acres of period will apply and use spire SIX (8) MONTHS from the mailing date of this communication. Failure for rapy is a specified above, the maximum statutory acres of period will apply and use spire SIX (8) MONTHS from the mailing date of this communication, and the spire of the communication and the spire of the communication, and the communication and the co	Office Action Summary	Examiner	Art Unit				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extension of time may be available under the provisions of 37 CFR 1.35(a), fin or event, however, may a risk pite timely filed Extension of time may be available under the provisions of 37 CFR 1.35(a), fin or event, however, may a risk pite timely filed If NO period for reply is specified above, the maximum attaturoy period wat page) and wit expire X(g) MONTH's firm the mailing date of this communication, reply with the set or extended period for reply will, by stantle, cause the application to become ARANDONED (35 U.S. 5, § 13.5) Status 1) □ Responsive to communication(s) filed on 03 April 2006. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 17-32 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) □ Claim(s) 17-32 is/are rejected. 7) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on 17 January 2006 is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abovance. See 37 CFR 1.36(a). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 1.1 □ Certified copies of the priority documents have been received. 2.1 □ Certified copies of the priority documents have been received in Application No. □ 1.1 □ Certified copies of the priority documents have been receiv	The MAN INC DATE And the state of the state						
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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 05/15/06. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 17-32 rejected under 35 U.S.C. 102(b) as being anticipated by Comanor et al. (U.S. Patent No. 5,860,917).
- 4. With respect to claims 17 and 26, Comanor et al. disclose a method and apparatus for predicting therapeutic outcomes including a method of selecting one or more variables for use with a statistical model (see e.g. abstract), the method comprising the steps of: creating a plurality of unique subsets of variables of multivariate data (see e.g. 7, lines 44-55); determining the performance of a discriminant rule when used with each of the subsets (see e.g. col. 7, lines 8-39), the discriminant rule being based on multivariate normal class densities each having substantially diagonal covariance matrices (see e.g. cols. 7-8); and selecting the one or more variables from at

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least one of the subsets that result in a desired performance of the discriminant rule (see e.g. col. 6, lines 1-23).

5. With respect to claims 18-2-25, 27-32, Comanor et al. disclose the invention as claimed including the step of creating the plurality of unique subsets comprises the step of identifying a variable in the multivariate data that is not a member of a set of variables, and adding the identified variable to the set (see e.g. col. 13, lines 62-67); determining the performance of the discriminant rule comprises assessing a prediction error rate of the discriminant rule, the prediction error rate is a cross-validated error rate (see e.g. col. 20); the desired performance of the discriminant rule comprises the lowest possible prediction error rate of the discriminant rule (see e.g. col. 19, lines 49-67); the multivariate data comprises gene expression data (see e.g. col. 5, lines 38-67); computer software which, when executed by a computer, enables the computer to carry out the method as claimed (see e.g. col. 14, lines 7-19); a computer storage medium comprising the software as claimed (see e.g. col. 14, lines 38-50); a statistical model for predicting a class of an observation, wherein the model includes one or more variables that have been selected using the method defined in claim (see e.g. abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hien Vo 01/04/08

John Barlow
Supervisory Patery Examiner
Technology Center 2800